JEREMY D. WARREN
California State Bar Number 177900
105 West F Street, Fourth Floor
San Diego, California 92101
Tel: (619) 234-4433
Email: jw@jwarrenlaw.com

Attorney for Maria Madriaga

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA, Plaintiff, v. **MARIA MADRIAGA,** Defendant.	Case No. 08cr2019-L **MOTION FOR BAIL**

I.

Introduction

On June 4, 2008, the government filed a complaint charging Maria Madriaga and two codefendants with conspiracy to distribute methamphetamine. She was arrested without incident the next day. The government moved for detention based on a risk of flight, and Ms. Madriaga stipulated to detention without prejudice. The grand jury returned an indictment charging Ms. Madriaga and the others with conspiracy to distribute, and distribution of more than 50 grams of methamphetamine, 21 U.S.C. § 841, and aiding and abetting, 18 U.S.C. § 2.

For reasons cited below, Ms. Madriaga asks the Court to set conditions of release pursuant to 18 U.S.C. § 3142.

II.

The Individual Before the Court and Compelling Grounds for Release

Maria Madriaga is a forty-five year old United States Citizen who was born and raised in San Diego, where she has lived her entire life. Before her arrest, she was living with her five children in

Chula Vista, and working at National Vision, a subsidiary of Wal Mart, where she worked as a clerk in the optometry department. She does not deny she has had a past criminal record involving narcotics.

Despite the severity of the charges, there is a compelling reason for her release: Ms. Madriaga's adult daughter Lynette Reyes is gravely ill with end stage kidney failure. Ms. Reyes requires dialysis three times per week, as confirmed in the attached letter of Dr. Sacamay. (The defense has also been in contact with Ms. Reyes and her health providers to confirm the nature and severity of her condition.) Before her arrest, Ms. Madriaga was her daughter's primary caretaker, driving her to and from dialysis as well as assisting her with her daily needs. In Ms. Madriaga's absence, the family has had substantial difficulty in taking care of Ms. Reyes, and her condition has worsened. The government, having investigated this case for many months, is well aware of Ms. Reyes's situation and the critical role Ms. Madriaga plays in providing around the clock care. In addition, because of her absence, the family is about to lose its home. With Ms. Madriaga's release, her landlord has given assurances that the family may remain.

Because Ms. Madriaga comes from a poor family, it has been difficult to put together a substantial bond to guarantee her release. The family has pooled every available resource, though, and has been in constant contact with counsel, showing tremendous community support for Ms. Madriaga.

Ms. Madriaga proposes a bond in the amount of $150,000.00, supported by the signatures of Priscilla Reyes, who works with and supervises Ms. Madriaga at National Vision; Sandra Smithey, a longshoreman; Stacy Gardiner, who works at K-Mart; and Sara Gardiner, who is a caretaker. As security, Ms. Smithey will post with the court an annuity with a cash value of approximately $20,000.00.

III.

Conclusion

For the reasons stated above, the Ms. Madriaga respectfully urges the Court to set conditions of release as requested above.

Dated: July 23, 2008

Respectfully submitted,

/s Jeremy D. Warren

JEREMY D. WARREN
Attorney for Defendant Ms. Madriaga

PROOF OF SERVICE

I declare that:

I am a citizen of the United States and employed in the city of San Diego, CA. I am over eighteen years of age. My business address is 105 West F Street, Fourth Floor San Diego, CA 92101.

On July 23, 2008, I personally served the following documents:

Motion for Bond

on the below attorneys by electronic filing:

Assistant United States Attorney John Parmley and Michael Crowley

Stephen Demick, Federal Defenders of San Diego, Inc.

William W. Brown

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 23, 2008 at San Diego, CA.

/s Jeremy Warren

____
Jeremy D. Warren

June 24, 2008

To Whom It May Concern:

Attorney: Jeremy Warren

Re: Lynette Reyes

This letter is written upon the request of Ms. Lynette Reyes.

This certifies that she is one of my patient and is currently having hemodialysis treatment at National City Dialysis Unit. She has end stage renal disease secondary to chronic interstitial disease. She also has history of hypertension. She gets hemodialysis every Monday, Wednesday, and Friday at National City Dialysis Unit. Any consideration given to this patient with regards to her mother will be much appreciated.

If you have any questions, please give me a call.

Tagumpay E. Sacamay, M.D.
Diplomate In Nephrology

TES:dar/usk